

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**JAMES A WOODARD,**

**Plaintiff,**

**v.**

**GENE WOODS,**

**Defendant.**

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**CIVIL ACTION NO. 6:17-CV-00509-RWS**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On November 3, 2017, the Magistrate Judge issued his Report and Recommendation (Docket No. 10), recommending that Plaintiff's claims be dismissed with prejudice for lack of subject-matter jurisdiction. On November 13, 2017, Plaintiff filed objections to the Magistrate Judge's Report and Recommendation (Docket No. 13). The Court reviews *de novo* the portions of the Magistrate Judge's findings to which objections have been raised. 28 U.S.C. § 636 (b)(1).

As an initial matter, Plaintiff does not object to any specific finding of the Magistrate Judge. Docket No. 13. Instead, Plaintiff elaborates on facts supporting his claims of continued harassment by Defendant. *Id.* Nothing in Plaintiff's objections provides any additional information or a basis for subject-matter jurisdiction. *Id.* The Court agrees with the Magistrate Judge that subject-matter jurisdiction is lacking.

As the Magistrate Judge correctly found, Plaintiff has not alleged any facts invoking the violation of the U.S. Constitution, federal law, or treaty to which the United States is a party, nor has Plaintiff invoked the Court's diversity jurisdiction because both Plaintiff and Defendant are alleged to be citizens of Texas. *See* Docket No. 10 (citing Docket No. 8, at 1, 3, 5 (listing Plaintiff's address in Diana, Texas and Defendant's address in Longview, Texas)); 28 U.S.C. §§1331, 1332. Because Plaintiff has not pled facts that give rise to jurisdiction in this Court, the Court agrees with the Magistrate Judge that the complaint should be dismissed.

Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly **ORDERED** that the complaint is hereby **DISMISSED WITH PREJUDICE**.

**So ORDERED and SIGNED this 1st day of December, 2017.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE